

Kelly Green, 6/20/14

Johnson vs. Corizon Health, Inc.

<p>IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON EUGENE DIVISION</p> <p>DEREK JOHNSON, Personal ) Representative of KELLY CONRAD GREEN ) II, deceased; KELLY CONRAD GREEN and ) SANDY PULVER, ) Plaintiffs, ) vs. ) Case No. ) CORIZON HEALTH, INC., a Tennessee ) 13-cv-01855-TC Corporation; LANE COUNTY, an Oregon ) county; DR. CARL KELDIE, an ) individual; DR. JOE PASTOR, an ) individual; BECKY PINNEY, an ) individual; DR. JUSTIN MONTOYA, an ) individual; VICKI THOMAS, an ) individual; KIRSTIN WHITE, an ) individual; JACOB FLEICH, an ) individual; SHARON FAGAN, an ) individual; ROB DOTSON, an ) individual; GUY BALCOM, an ) individual; DONALD BURNETTE, an ) individual; JOHN DOES 1-10, ) Defendants. )</p> <p>DEPOSITION OF KELLY CONRAD GREEN Taken in behalf of the Defendants * * * June 20, 2014 121 S.W. Salmon Street Portland, Oregon Robert J. Lehmann, CSR Court Reporter</p>	<p>3</p> <p>PORTLAND, OREGON; FRIDAY, JUNE 20, 2014 8:59 a.m. * * *</p> <p>KELLY CONRAD GREEN called as a witness in behalf of the Defendants, having first been sworn by the Reporter, testifies as follows: EXAMINATION</p> <p>BY MR. DAIGLE: Q. Good morning, Mr. Green. Again, my name is James Daigle, and I represent Corizon and some of their employees in the matter involving your son, and we're here today to talk to you about the case and about your claims, and basically doing a lot of kind of background information. A. Uh-huh. Q. This is a semiformal process, but it has, you know, all the trappings of being in a courtroom in the sense that, you know, this is under oath. A. Correct. Q. And your testimony has to be as complete and accurate as you can make it. Okay? A. Uh-huh. Q. And, of course, if you say something different today than you do later, there will be a</p>																		
<p>2</p> <p>APPEARANCES: For the Plaintiffs: MR. ELDEN ROSENTHAL Attorney at Law Suite 1090 121 S.W. Salmon Street Portland, Oregon 97204 For the Defendant, Corizon: MR. JAMES M. DAIGLE Attorney at Law Suite 200 2300 S.W. First Avenue Portland, Oregon 97201 For the Defendant, Lane County: MR. SEBASTIAN TAPIA Office of Legal Counsel Lane County Courthouse 125 E. 8th Avenue Eugene, Oregon 97401 Also Present: Ms. Sandy Pulver</p> <p>INDEX</p> <table> <tr> <th>EXAMINATION BY:</th><th>PAGE NO.</th></tr> <tr> <td>Mr. Daigle</td><td>3 - 165</td></tr> </table> <table> <tr> <th>EXHIBITS</th><th>PAGE NO.</th></tr> <tr> <td>No. 501 Medical chart note of 9-12-13</td><td>121</td></tr> <tr> <td>No. 502 Medical chart note of 10-16-07</td><td>125</td></tr> <tr> <td>No. 503 Psychologist Notes of 10-23-11 and 11-14-11</td><td>128</td></tr> <tr> <td>No. 504 Psychologist Evaluation of 2-16-12 and 2-21-12</td><td>131</td></tr> <tr> <td>No. 505 Western State Hospital Progress Record</td><td>133</td></tr> <tr> <td>No. 506 Behavioral Health Evaluation of 8-15-03</td><td>135</td></tr> </table>	EXAMINATION BY:	PAGE NO.	Mr. Daigle	3 - 165	EXHIBITS	PAGE NO.	No. 501 Medical chart note of 9-12-13	121	No. 502 Medical chart note of 10-16-07	125	No. 503 Psychologist Notes of 10-23-11 and 11-14-11	128	No. 504 Psychologist Evaluation of 2-16-12 and 2-21-12	131	No. 505 Western State Hospital Progress Record	133	No. 506 Behavioral Health Evaluation of 8-15-03	135	<p>4</p> <p>1 transcript to point out the differences. Okay? 2 A. Uh-huh. 3 Q. So be very careful about your testimony. All 4 right? 5 A. Understood, sir. 6 Q. All right. I'm sure that Mr. Rosenthal has 7 gone over kind of the process with you to orient you 8 to it, but I'll just do it again here on the record 9 briefly. 10 This is, you know, semiconversational in the 11 sense that, you know, I'm asking questions and you're 12 answering. We're trying not to talk over each other 13 so Mr. Lehmann here can get a complete and accurate 14 transcript. Okay? 15 A. Yes, sir. 16 Q. And please try to answer with yeses or noes, 17 and you're doing a great job so far, and if you don't 18 and you shake your head or something, I may ask you to 19 give a verbal response. Okay? 20 A. Okay. 21 Q. I'm not trying to be rude. I understand you. 22 He just wants to get it on the record. Okay? 23 A. Yes, sir. 24 Q. Anytime you want to take a break, it's not an 25 endurance contest. Just let me know, we'll take a</p>
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<p style="text-align: right;">25</p> <p>1 Q. Or just by yourself?</p> <p>2 A. Just by myself.</p> <p>3 Q. Okay. Were you arrested by a City of Eugene</p> <p>4 officer or Lane County?</p> <p>5 A. City of Eugene, sir.</p> <p>6 Q. All right. Who was the person that you were</p> <p>7 alleged to have menaced?</p> <p>8 A. Sandra.</p> <p>9 Q. Okay. And do you know the circumstances</p> <p>10 surrounding the decision to dismiss the charge?</p> <p>11 A. I do, sir.</p> <p>12 Q. And can you tell me a little bit about that,</p> <p>13 please?</p> <p>14 A. Yes, sir. Sandra didn't pursue the charges.</p> <p>15 Q. Okay. And what initiated the police contact</p> <p>16 with you? Was it a 911 call?</p> <p>17 A. I believe it was.</p> <p>18 Q. All right. And do you know who made the</p> <p>19 phone call?</p> <p>20 A. Sandra.</p> <p>21 Q. And was this at your home where this took</p> <p>22 place?</p> <p>23 A. Yes, sir.</p> <p>24 Q. All right. Have you had any other arrests?</p> <p>25 A. No, sir.</p>	<p style="text-align: right;">27</p> <p>1 in the Army in October of '88.</p> <p>2 Q. And did the family stay in the Eugene area</p> <p>3 while you went to boot camp?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And did they move up to Fort Lewis area while</p> <p>6 you were stationed there?</p> <p>7 A. After I was reassigned to Fort Lewis, they</p> <p>8 moved up.</p> <p>9 Q. Okay. So, I assume you went to boot camp,</p> <p>10 and then you went to an MOS school?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Was that also in Fort Knox?</p> <p>13 A. Yes, sir, it was.</p> <p>14 Q. All right. So boot camp is three months.</p> <p>15 How long was your MOS school? Another three months or</p> <p>16 so?</p> <p>17 A. I am unsure of that, sir.</p> <p>18 Q. Okay.</p> <p>19 A. I don't remember.</p> <p>20 Q. And Thomas is your second?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And what year was he born?</p> <p>23 A. He was born in 1986.</p> <p>24 Q. That's right. You already told me that. And</p> <p>25 so was he born up in the Fort Lewis area?</p>
<p style="text-align: right;">26</p> <p>1 Q. Okay. Have you had any other marriages other</p> <p>2 than the one to Sandra?</p> <p>3 A. We remarried.</p> <p>4 Q. Okay. During what time -- so you got</p> <p>5 divorced, then you got remarried. So tell me the time</p> <p>6 period of the first marriage and then the divorce, and</p> <p>7 the time period of the second.</p> <p>8 A. Yes, sir. We were married in November of</p> <p>9 '81, legally divorced in spring of '89. We got back</p> <p>10 together in fall of '89, then we stayed together,</p> <p>11 lived together, and remarried in May of 2000, and</p> <p>12 divorced in spring of 2005.</p> <p>13 Q. So, during that time period of the early '90s</p> <p>14 to 2000 when you got remarried, the two of you were</p> <p>15 living together most of that time?</p> <p>16 A. The whole time.</p> <p>17 Q. Okay.</p> <p>18 A. Like a family.</p> <p>19 Q. And what year was Casey born?</p> <p>20 A. He was born in 1985.</p> <p>21 Q. Was that just before you deployed for boot</p> <p>22 camp or after?</p> <p>23 A. That was after.</p> <p>24 Q. I can't remember his birth date.</p> <p>25 A. He was born on May 21st of 1985, and I went</p>	<p style="text-align: right;">28</p> <p>1 A. He was born in Eugene, Oregon.</p> <p>2 Q. In Eugene?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Did Sandy go down there to deliver Thomas to</p> <p>5 be near family?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Was that the idea?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Have you reviewed any documents to get ready</p> <p>10 for your deposition today?</p> <p>11 A. No, sir.</p> <p>12 Q. Have you ever reviewed any medical records</p> <p>13 relating to Casey's medical care at any point in time?</p> <p>14 A. No, sir.</p> <p>15 Q. Have you ever assisted in requesting medical</p> <p>16 records from any facility relating to your son?</p> <p>17 A. I did.</p> <p>18 Q. Okay. And which facilities?</p> <p>19 A. That was Sacred Heart, RiverBend,</p> <p>20 Springfield, Oregon.</p> <p>21 Q. Have you ever talked to anybody that provided</p> <p>22 any type of medical services at the Lane County jail?</p> <p>23 A. Pardon me, sir?</p> <p>24 Q. Have you ever talked to anybody who has</p> <p>25 provided medical services at the Lane County jail,</p>

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<p style="text-align: right;">33</p> <p>1 you thought that he needed to be at the Johnson Unit?</p> <p>2 A. Correct, sir.</p> <p>3 Q. And you're referring to the University</p> <p>4 District --</p> <p>5 A. Yes, sir.</p> <p>6 Q. -- Sacred Heart facility?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Had he ever been to the Johnson Unit on any</p> <p>9 prior occasions?</p> <p>10 A. No, sir.</p> <p>11 Q. So how is it that you were aware of the</p> <p>12 Johnson Unit and that that was potentially an</p> <p>13 appropriate place for him to be?</p> <p>14 A. Well, I knew it was a medical facility for</p> <p>15 mentally ill people. I visited a cousin once there.</p> <p>16 Q. Okay. So just from prior experience you were</p> <p>17 aware of the Johnson Unit?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Had any of Casey's medical providers at any</p> <p>20 time told you that the Johnson Unit was an appropriate</p> <p>21 place for Casey to be?</p> <p>22 A. I can't exactly remember that.</p> <p>23 Q. So this was just something that you had</p> <p>24 arrived on from your own experiences?</p> <p>25 A. Right.</p>	<p style="text-align: right;">35</p> <p>1 A. To my knowledge, sir, yes.</p> <p>2 Q. Okay. I'm not trying to distort your memory</p> <p>3 here.</p> <p>4 A. Yes, sir.</p> <p>5 Q. I'm just trying --</p> <p>6 A. Yes, sir.</p> <p>7 Q. Yeah. So you made a phone call and talked to</p> <p>8 a person, conveyed information about your son's</p> <p>9 medical issues. Did you go down to the jail to talk</p> <p>10 to anybody?</p> <p>11 A. I did not.</p> <p>12 Q. Okay. Why not?</p> <p>13 A. Because of my work schedule.</p> <p>14 Q. Okay. Do you know if anybody in the family</p> <p>15 went to go talk to anybody at the jail?</p> <p>16 A. Absolutely, sir.</p> <p>17 Q. And who in the family?</p> <p>18 A. My mother.</p> <p>19 Q. Okay.</p> <p>20 A. Sandy's mother.</p> <p>21 Q. And remind me your mother's name.</p> <p>22 A. Deanna Green.</p> <p>23 Q. Deanna Green. And Sandy's mother, what is</p> <p>24 her name?</p> <p>25 A. Louise Vincent.</p>
<p style="text-align: right;">34</p> <p>1 Q. It wasn't something that somebody had told</p> <p>2 you or --</p> <p>3 A. Right.</p> <p>4 Q. Is that correct?</p> <p>5 A. Yeah. I knew my son.</p> <p>6 Q. So that was the first arrest; is that</p> <p>7 correct?</p> <p>8 A. Yes. To my knowledge.</p> <p>9 Q. All right. And you said that Tom had called</p> <p>10 you. Did Tom say how he found out? I'm assuming that</p> <p>11 Prince William called him.</p> <p>12 A. Was driving by and seen Casey, yes.</p> <p>13 Q. And Prince William called Tom?</p> <p>14 A. Right.</p> <p>15 Q. And then Tom called you?</p> <p>16 A. Right.</p> <p>17 Q. So, on this first time that he was arrested,</p> <p>18 and was this in December of 2012?</p> <p>19 (Ms. Pulver left the room.)</p> <p>20 A. I don't think it was the -- it was not the</p> <p>21 last time. It was the first time, so I'm unsure of</p> <p>22 the date on that at this time, when he went in on that</p> <p>23 one.</p> <p>24 Q. So you're certain it was the first time that</p> <p>25 he'd been arrested in Lane County?</p>	<p style="text-align: right;">36</p> <p>1 Q. V-I-N-C-E-N-T?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay.</p> <p>4 A. And Sandra.</p> <p>5 Q. And Sandra went as well?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Where was Sandra living at that time?</p> <p>8 A. She was living in her residence in Bothell,</p> <p>9 Washington.</p> <p>10 Q. Okay. So did you talk to your mother, Deanna</p> <p>11 Green, about her visit to the jail during the period</p> <p>12 of Casey's first arrest at Lane County?</p> <p>13 A. Yes, sir.</p> <p>14 Q. All right. And what did she say about that</p> <p>15 visit?</p> <p>16 A. Casey didn't want to see her. He didn't want</p> <p>17 to see any visitors.</p> <p>18 Q. So is it true that none of the three</p> <p>19 individuals that you said visited saw Casey?</p> <p>20 A. Nobody did.</p> <p>21 Q. All right. Did any of the three of them</p> <p>22 relate any conversations that they had with any of the</p> <p>23 employees at the jail?</p> <p>24 A. I don't know, sir, if they did or not.</p> <p>25 Q. So, other than the one phone call that you</p>

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<p style="text-align: right;">57</p> <p>1 Q. Okay. And who were Casey's friends during 2 this time period? 3 A. I can't remember the names of all the 4 neighborhood kids and stuff at this point. 5 Q. Is there any one person in Casey's life 6 during that time period that you would say was his 7 closest friend? 8 A. Yes. 9 Q. Who was that person? 10 A. That was Chris Jett, J-E-T-T. 11 Q. Do you know where Chris lived? 12 A. Eugene, Oregon. 13 Q. Eugene. And were they high school 14 classmates? 15 A. They all grew up together, grade school on. 16 Q. And 2004, how old was Casey? 17 A. He was born in '85, so... 18 Q. Roughly 19? 19 A. Yes, sir. 20 Q. Had Casey told you what he wanted to do for 21 work or the things, you know, after he's out of high 22 school? 23 A. He wanted to become a Navy Seal. 24 Q. A Navy Seal? 25 A. Yes, sir.</p>	<p style="text-align: right;">59</p> <p>1 A. Yes, sir. 2 Q. And tell me a little bit about what happened 3 at the hospital and what the resolution, if anything, 4 was. 5 A. Basically, I was thinking there was going to 6 be some kind of bad charges going on, but it never 7 happened. They went straight to the medical side of 8 the mental side, and that's when we found out that he 9 was diagnosed. 10 Q. Okay. 11 A. So nothing happened with the incident. 12 Q. And to your memory, what was the specific 13 diagnosis that he got? 14 A. Paranoid schizophrenic. 15 Q. And I take it that was the first formal 16 diagnosis of any type -- 17 A. Yes, sir. 18 Q. -- relating to a mental health issue. 19 A. Yeah. I knew my life was going to change. 20 Q. Had you had any experience with paranoid 21 schizophrenia before this happened to your son in 22 spring of '04? 23 A. No, sir. 24 Q. And I take it then you did some reading about 25 it after your son got that diagnosis.</p>
<p style="text-align: right;">58</p> <p>1 Q. Did he ever make any efforts to try to get 2 into the Navy? 3 A. No, sir. 4 Q. Did he have any other types of avocations, 5 hobbies he said he was interested in? 6 A. Hunting and fishing. 7 Q. Anything else? 8 A. Camping, that kind of stuff. 9 Q. And so was he working at the time that that 10 incident happened at your family picnic? 11 A. No. 12 Q. Had he had any employment prior to that? 13 A. He -- I don't want to get out of line here. 14 No. He only had about two jobs in his whole entire 15 lifetime. They weren't for very long. His mind just 16 wouldn't work like ours does. 17 Q. Did the officers that showed up to the 18 picnic, did they take him to a hospital? 19 A. They did. 20 Q. All right. And do you remember what hospital 21 he was taken to? 22 A. Roseburg Medical Center, Roseburg, Oregon. 23 (Ms. Pulver entered the room.) 24 Q. And I assume that you went, or at least went 25 in your own car to the hospital as well.</p>	<p style="text-align: right;">60</p> <p>1 A. Uh-huh. 2 Q. Yes? 3 A. Yes, sir. 4 Q. Okay. 5 A. Sorry. 6 Q. I told it you would happen. 7 A. You did. 8 Q. Okay. So was he an inpatient at Roseburg for 9 any period of time? 10 A. Yes, sir. 11 Q. All right. Do you know about how long he was 12 there? 13 A. About two weeks. 14 Q. And so what happened when he was released 15 from the hospital? 16 A. He was in custody of his mother and went with 17 his mother to Bothell, Washington. 18 Q. So spring of 2004 he moves from living with 19 you to Bothell? 20 A. He was actually living with his mom. I just 21 had them for a period of time -- 22 Q. For a visit? 23 A. -- to visit. 24 Q. So they were there for a week or two weeks or 25 something?</p>

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<p style="text-align: right;">85</p> <p>1 Q. Did he ever fill prescriptions on his own?</p> <p>2 A. Never.</p> <p>3 Q. It was always one of you two?</p> <p>4 A. Always.</p> <p>5 Q. And would these be called in to the pharmacy</p> <p>6 by his physician?</p> <p>7 A. We would do it. Sometimes it would be done</p> <p>8 through the facilities that he was in, something like</p> <p>9 that, yeah.</p> <p>10 Q. And what form did the medications come in?</p> <p>11 You said he would get shots.</p> <p>12 A. Uh-huh.</p> <p>13 Q. Did he also take pills?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And are these pills in like 30-day --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- amounts?</p> <p>18 A. Yes, sir; sometimes longer, more.</p> <p>19 Q. Did he ever get prescriptions filled and not</p> <p>20 take them in order to make you guys think that he was</p> <p>21 taking them?</p> <p>22 A. No, sir. We monitored that very closely. We</p> <p>23 never left it up to his own accord or responsibility</p> <p>24 to take medication. We would give it to him.</p> <p>25 Q. So I'm thinking about the periods of time</p>	<p style="text-align: right;">87</p> <p>1 Q. I'm just trying to figure out if that was</p> <p>2 your routine or --</p> <p>3 A. Yes.</p> <p>4 Q. -- it was just sometimes you would?</p> <p>5 A. Copy that, sir, yeah.</p> <p>6 Q. That when he was in the house, you would</p> <p>7 watch him take them?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And that when he was out of -- were there</p> <p>10 periods of time when he was living in the house and</p> <p>11 not taking the meds?</p> <p>12 A. Yes.</p> <p>13 Q. All right. I don't want you to generalize</p> <p>14 too much, but can you give me an idea as to whether or</p> <p>15 not there was any pattern or percentage of the time</p> <p>16 that you could say he was off versus on medications</p> <p>17 while he was in your house?</p> <p>18 A. A generalization of that, sir, would be</p> <p>19 summed up he was more off of his medication than on</p> <p>20 medications.</p> <p>21 Q. When he was in your house?</p> <p>22 A. Right, over the years.</p> <p>23 Q. By a large margin or are we talking 50-50</p> <p>24 or --</p> <p>25 A. I'm going to say a large margin. I mean, his</p>
<p style="text-align: right;">86</p> <p>1 when he's not in your house.</p> <p>2 A. Uh-huh.</p> <p>3 Q. Like when he was down in Eugene and he would</p> <p>4 come for a couple of days and then be gone for three</p> <p>5 or four days.</p> <p>6 A. Uh-huh.</p> <p>7 Q. Did the medications stay at your house?</p> <p>8 A. No, sir. It would come with him.</p> <p>9 Q. So he kept them on his person or in his bag?</p> <p>10 A. For traveling, stuff like that, you know, if</p> <p>11 he was coming to see me. I remember times when he did</p> <p>12 take medication. I remember a lot of times when he</p> <p>13 didn't or wouldn't.</p> <p>14 Q. So I'm trying to figure out how it was that</p> <p>15 you monitored his intake of medications when he was</p> <p>16 out, you know, sleeping in the park or what have you.</p> <p>17 A. Oh. We didn't have any control over that</p> <p>18 then.</p> <p>19 Q. So, if he was in the house and living with</p> <p>20 you, you guys tried to monitor as best you can that he</p> <p>21 was actually taking the meds.?</p> <p>22 A. Correct.</p> <p>23 Q. And did you guys sit there and sit with him</p> <p>24 or whatever and watch him take them?</p> <p>25 A. Yes, sir, many a times.</p>	<p style="text-align: right;">88</p> <p>1 side effects were so bad. His hands would just shake</p> <p>2 uncontrollably. I mean, he looked like a mess. You</p> <p>3 take him somewhere, to a fast-food restaurant, people</p> <p>4 commented on it.</p> <p>5 Q. Were his medications ever changed in order to</p> <p>6 try and --</p> <p>7 A. Yes.</p> <p>8 Q. -- alleviate these side effects?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Were those ever helpful in --</p> <p>11 A. Certainly never hit the bull's eye.</p> <p>12 Q. So he was civilly committed in October or</p> <p>13 November of 2011?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And then was that at a hospital for some</p> <p>16 period of time?</p> <p>17 A. Yes. That was at Navos in West Seattle,</p> <p>18 Washington.</p> <p>19 Q. And how long was he there at Navos?</p> <p>20 A. I believe it was eight months.</p> <p>21 Q. And was that entire eight months all</p> <p>22 inpatient?</p> <p>23 A. All inpatient.</p> <p>24 Q. Did he ever leave the facility for any</p> <p>25 reason?</p>

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<p style="text-align: right;">89</p> <p>1 A. Never.</p> <p>2 Q. And so during the time period that he was at</p> <p>3 Navos, were you still living in the Bothell area?</p> <p>4 A. Yes, sir.</p> <p>5 Q. For the entire eight months?</p> <p>6 A. No, sir.</p> <p>7 Q. All right. Tell me what time period you were</p> <p>8 living in the Bothell area.</p> <p>9 A. I left the Bothell area in January of 2012</p> <p>10 and moved back to Eugene, Oregon.</p> <p>11 Q. So, shortly after he was committed, you moved</p> <p>12 to Eugene?</p> <p>13 A. Correct.</p> <p>14 Q. All right. And was it roughly July that he</p> <p>15 was released from inpatient treatment or the civil</p> <p>16 commitment?</p> <p>17 A. No. He went from there to Western State.</p> <p>18 Q. Okay.</p> <p>19 A. And that was -- I believe it was eight months</p> <p>20 in Navos, and then from there he went immediately to</p> <p>21 Western State.</p> <p>22 Q. So, when we're talking about the eight-month</p> <p>23 time period, that includes both Navos and Western</p> <p>24 State?</p> <p>25 A. No, sir.</p>	<p style="text-align: right;">91</p> <p>1 was in there.</p> <p>2 A. Sure.</p> <p>3 Q. I'm just --</p> <p>4 A. Just checking me, right.</p> <p>5 Q. No, no. I'm just trying to get a general</p> <p>6 sense, you know, of where you were and where he was</p> <p>7 during certain time periods.</p> <p>8 A. I took a job promotion in January of 2012 to</p> <p>9 go down to Eugene.</p> <p>10 Q. All right. So that we're clear on.</p> <p>11 A. Okay.</p> <p>12 Q. You went down there in January?</p> <p>13 A. Yes, sir.</p> <p>14 Q. All right. So, when you got that job in</p> <p>15 January of 2012 --</p> <p>16 A. Yes, sir.</p> <p>17 Q. -- did you come back to the Seattle area</p> <p>18 or -- and I don't know where Navos is. Is it in</p> <p>19 Seattle?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did you come back to Seattle to visit --</p> <p>22 A. Yes.</p> <p>23 Q. -- Casey while he was still at Navos?</p> <p>24 A. Yes, a couple of times.</p> <p>25 Q. And were those like weekend visits?</p>
<p style="text-align: right;">90</p> <p>1 Q. Just Navos?</p> <p>2 A. Yes, sir.</p> <p>3 Q. How long was he at Western State?</p> <p>4 A. He was at Western State from after that</p> <p>5 period of eight months until May of 2012. That's when</p> <p>6 he was released from Western State.</p> <p>7 Q. So let's back up a second.</p> <p>8 A. Okay.</p> <p>9 Q. Because I think that doesn't add up.</p> <p>10 (Ms. Pulver left the room.)</p> <p>11 A. Okay.</p> <p>12 Q. October or November of 2011 --</p> <p>13 A. Okay. I get you.</p> <p>14 Q. -- plus eight months --</p> <p>15 A. Right, right.</p> <p>16 Q. -- takes us to June.</p> <p>17 A. Right. You're absolutely right. I know he</p> <p>18 was in Navos for eight months, and I know that he</p> <p>19 ultimately got out of Western State in May of -- no,</p> <p>20 that was May -- it had to be May of 2011. I'm off one</p> <p>21 year, because his incident was in February of 2012.</p> <p>22 MR. ROSENTHAL: No, you got the year wrong.</p> <p>23 Q. (By Mr. Daigle) 2013.</p> <p>24 A. Was it 2013? Right. Thank you, sir.</p> <p>25 Q. And the records are going to tell us when he</p>	<p style="text-align: right;">92</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So how did it appear to you that he</p> <p>3 was doing while he was at Navos?</p> <p>4 A. Not well at all.</p> <p>5 Q. And do you remember roughly when it was that</p> <p>6 you went up to visit?</p> <p>7 A. It was -- it would -- I was -- it would be</p> <p>8 right around -- there was one time in the springtime,</p> <p>9 a couple of times in the springtime when I came up and</p> <p>10 seen all the kids.</p> <p>11 Q. And when you say he wasn't doing well, did it</p> <p>12 appear to you that he was getting worse?</p> <p>13 A. He was doing okay himself. He hated that</p> <p>14 place immensely.</p> <p>15 Q. All right. When you say not doing well, you</p> <p>16 know, I get the sense that medically he's not doing</p> <p>17 well.</p> <p>18 A. Yeah. Medically, he was medicated, he had to</p> <p>19 be, but the people at Navos -- it was a hard job. He</p> <p>20 was not doing well there with them.</p> <p>21 Q. Because he didn't like them and he didn't</p> <p>22 like the fact that his freedom had been restricted?</p> <p>23 A. That, too, but they were just very unruly,</p> <p>24 poor people. I didn't even care for them when I went</p> <p>25 to visit him.</p>

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<p style="text-align: right;">101</p> <p>1 A. No, sir.</p> <p>2 Q. Did she get married to Jamie?</p> <p>3 A. No, sir.</p> <p>4 Q. Okay. And how about Tom? Where did he go?</p> <p>5 A. Thomas moved to -- he moved back down to</p> <p>6 Eugene for a period of time, and then he moved up to</p> <p>7 Bellingham, Washington.</p> <p>8 Q. Does your sister still live up there?</p> <p>9 A. Uh-huh.</p> <p>10 Q. And does he still live in Bellingham?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. So how long, roughly, was he homeless</p> <p>13 in the Seattle area after release from Western State?</p> <p>14 A. About two and a half months.</p> <p>15 Q. Then what did he do?</p> <p>16 A. He called me up one day on the telephone and</p> <p>17 checked in, and I told him the same thing that we, all</p> <p>18 of us in the family tell him every time when he called</p> <p>19 is that we love him, concerned, why don't you come</p> <p>20 home, and he actually took me up on it that time.</p> <p>21 Q. So how did he get down to Eugene?</p> <p>22 A. I told him that I would purchase him a train</p> <p>23 ticket from Seattle and that he was going to have to</p> <p>24 get on the bus on his own -- or get on the train on</p> <p>25 his own accord, and to give me a call if he got on the</p>	<p style="text-align: right;">103</p> <p>1 Village Apartments?</p> <p>2 A. No.</p> <p>3 Q. So describe for me in a little more detail</p> <p>4 about the specific issues that you were having with</p> <p>5 Casey during the August to September 2012 time period.</p> <p>6 A. Just basically that one incident that I told</p> <p>7 you about. Is that what you're asking, about Village,</p> <p>8 when the gal was taking her groceries in?</p> <p>9 Q. So that was during that August to September</p> <p>10 period?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Anything else that you recall?</p> <p>13 A. He would be sitting out on the picnic bench</p> <p>14 smoking cigarettes and talking to himself, and it</p> <p>15 scared people. Again, my mother would get the phone</p> <p>16 call or a knock on the door, in some cases both.</p> <p>17 Q. So do you know what types of things he would</p> <p>18 be talking about when he was out there on the bench?</p> <p>19 A. No, sir.</p> <p>20 Q. And did anybody ever articulate what it was</p> <p>21 that scared them other than the fact that he was</p> <p>22 talking to himself?</p> <p>23 A. One time I do remember what that was, but it</p> <p>24 happened over at my place, at the Parkside with</p> <p>25 Crystal.</p>
<p style="text-align: right;">102</p> <p>1 train, and we'd pick him up.</p> <p>2 Q. So I guess that he did that.</p> <p>3 A. He did do that.</p> <p>4 Q. Okay. And roughly when did he arrive in</p> <p>5 Eugene?</p> <p>6 A. August 7th.</p> <p>7 Q. August 7th. Tell me about his living</p> <p>8 situation from August 7th up until what I understand</p> <p>9 is around a September 12 visit to the hospital.</p> <p>10 A. It was sporadic. It was not etched in stone.</p> <p>11 We had some good days, a lot of bad days. There was</p> <p>12 multiple times that he made his own choice to leave.</p> <p>13 There was a couple of times we asked him to leave, and</p> <p>14 pretty much about it.</p> <p>15 Q. And what was the name of the apartment</p> <p>16 complex where you were living at the time?</p> <p>17 A. That was the Village Apartments.</p> <p>18 Q. Okay. Any comments from any of the residents</p> <p>19 or management of the Village Apartments during that</p> <p>20 time about Casey's behavior?</p> <p>21 A. Yes. That was with Tony and his wife,</p> <p>22 Lavonne. They were the managers then. That's when we</p> <p>23 were getting complaints.</p> <p>24 Q. Did you ever observe any either threatening</p> <p>25 or violent behavior by Casey towards anybody at the</p>	<p style="text-align: right;">104</p> <p>1 Q. What was that?</p> <p>2 A. He was screaming at the top of his lungs out</p> <p>3 in the front of the house that he needed new teeth.</p> <p>4 Q. Okay. That was the extent of it?</p> <p>5 A. Uh-huh.</p> <p>6 Q. And somebody reported that to you?</p> <p>7 A. Yes. That scared them.</p> <p>8 Q. All right. So now let's talk about what led</p> <p>9 to his going to RiverBend in -- maybe I don't have</p> <p>10 that right. He went to the hospital in early</p> <p>11 September. Right?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Is that RiverBend or the university?</p> <p>14 A. That was RiverBend, sir.</p> <p>15 Q. Okay. And did you take him there?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And did your mother go with you?</p> <p>18 A. Yes.</p> <p>19 Q. Anybody else with you at the time?</p> <p>20 A. No, sir.</p> <p>21 Q. And what was it that led you to take Casey to</p> <p>22 the RiverBend hospital?</p> <p>23 A. Well, we finally got to an area and a time</p> <p>24 period where he was willing to be fully medicated and</p> <p>25 be checked, and so that's what the agreement was, that</p>

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<p style="text-align: right;">105</p> <p>1 we'd go down to the emergency room, see a doctor to 2 get on medication, and do like we've always done, 3 start over. 4 Q. Had he essentially lost contact with his 5 medical provider from the Seattle area once he came to 6 Eugene? 7 A. I believe he did, sir, yes. 8 Q. Okay. So there was no longer access to the 9 medications that were being prescribed up there; is 10 that -- 11 A. Let me back up, sir. I'm unsure of that. 12 All I do know is that for quick medication, we were 13 going to take him to the emergency room. 14 Q. Okay. And was there anything specifically 15 that happened that made you decide that you need to 16 get him to the hospital? 17 A. Just to be able to get the medication, 18 just -- you know, we couldn't go down to, you know, 19 anyplace at Albertsons and get medication, so we knew 20 that somebody had to see him. 21 Q. Right. Did he make any threats of self-harm 22 in the August-September time period? 23 A. I never heard any of it myself. 24 Q. Did anybody else report any threats of 25 self-harm?</p>	<p style="text-align: right;">107</p> <p>1 Q. All right. 2 A. That's where they wanted us to be. 3 Q. Is this the emergency room area of that 4 hospital? 5 A. Yes, sir. 6 Q. My understanding is that they don't have a 7 mental health ward at RiverBend. 8 A. They don't. 9 Q. That they move people over to the university 10 hospital for that. Correct? 11 A. Yes, sir. 12 Q. Is there a reason why you guys didn't go 13 directly to the Johnson Unit or to the University 14 District as opposed to going straight to RiverBend? 15 A. No. In my mind at the time, it felt prudent 16 to me to make sure that he was examined. 17 Q. Earlier in your deposition, I got the 18 impression that you were aware of the Johnson Unit and 19 knew that it was at the university hospital. 20 A. Yes, correct, sir. 21 Q. In September of 2012, did you have that 22 awareness that the Johnson Unit was at the University 23 District hospital? 24 A. Yes, sir. 25 Q. So help me with this. Was it your impression</p>
<p style="text-align: right;">106</p> <p>1 A. I believe so. 2 Q. Who was that? 3 A. I believe that that was the social worker at 4 Sacred Heart RiverBend in Springfield, when he was 5 being evaluated. 6 Q. So that was in September of 2012 he made 7 threats of self-harm? 8 A. Yes, sir. 9 Q. And did that social worker relate that 10 incident to you? 11 A. He did. He left the door closed and came to 12 our room that me and Mom were in and said that, that 13 they were going to admit him in the Johnson Unit. 14 Q. Okay. So this is a male social worker? 15 A. Yes, sir. 16 Q. Do you remember the person's name? 17 A. I do not. 18 Q. So, when you say the male social worker left 19 the door closed, is that the door to the room that 20 Casey was in? 21 A. Correct. 22 Q. And then came into the room where you were? 23 A. Uh-huh. 24 Q. Were you out in the waiting area? 25 A. Yes.</p>	<p style="text-align: right;">108</p> <p>1 that he could only be examined at RiverBend and they 2 didn't have people to examine him at the university? 3 A. Well, I've just heard through the grapevine 4 and people that I know that there's a process that you 5 have to go through to be admitted in the Johnson Unit, 6 friends, acquaintances, just hearsay, eavesdropping. 7 I've heard that, so -- but, to me, I felt it prudent 8 to take him to the emergency room. 9 Q. So it's been a while since I've been down to 10 Eugene, so does the University District not have an 11 emergency room? 12 A. No, sir. 13 Q. They don't? 14 A. No, sir. 15 Q. So everybody who has an ambulance ride goes 16 straight to RiverBend; is that your understanding? 17 A. That's the new big one, yeah. 18 Q. That's on what, the north side of 19 Springfield? 20 A. Springfield, yes, sir. 21 Q. So let's get back to the conversation with 22 the social worker at RiverBend. They came to your 23 room, and what did he say? 24 A. He came into the room and was kind of 25 chuckling a little bit and said that Casey almost had</p>

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109	<p>1 him.</p> <p>2 <b>Q. What did he mean?</b></p> <p>3 A. That meant that he was almost ready to</p> <p>4 declare that Casey was okay and didn't need to go to</p> <p>5 the Johnson Unit until the social worker asked if he</p> <p>6 felt like he ever wanted to hurt himself, and at that</p> <p>7 point when he said that, he told us that Casey said,</p> <p>8 Well, maybe I'm just going to leave here tonight and,</p> <p>9 I believe, do myself in. I don't know. I can't</p> <p>10 remember what he said, but I know it was to hurt</p> <p>11 himself.</p> <p>12 <b>Q. Okay.</b></p> <p>13 A. I can't remember right now.</p> <p>14 <b>Q. Were you left with the impression that Casey</b></p> <p>15 <b>had told the social worker that, when he said do</b></p> <p>16 <b>himself in, I'm assuming that that was your</b></p> <p>17 <b>understanding that Casey made comments about</b></p> <p>18 <b>committing suicide.</b></p> <p>19 A. Correct.</p> <p>20 <b>Q. Prior to September of 2012, had Casey ever</b></p> <p>21 <b>made any, whether it be threats or statements or</b></p> <p>22 <b>anything verbally that made you think that he would be</b></p> <p>23 <b>suicidal or made overt threats of suicide?</b></p> <p>24 A. There were a couple of times over the years.</p> <p>25 <b>Q. And can you tell me what you remember about</b></p>	111	<p>1 <b>Q. I'm sorry. What year did you say?</b></p> <p>2 A. 1995 or '96. It was one of those.</p> <p>3 <b>Q. And were either of these individuals people</b></p> <p>4 <b>you were close to?</b></p> <p>5 A. I did not know my uncle, and I wasn't really</p> <p>6 close to my aunt.</p> <p>7 <b>Q. Where did she live?</b></p> <p>8 A. She lived in Springfield, Oregon.</p> <p>9 <b>Q. Do you want to take a short break?</b></p> <p>10 A. I would, yeah.</p> <p>11 (A discussion was held off the record.)</p> <p>12 (A recess was taken from 11:41 a.m. to 12:30</p> <p>13 p.m.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
110	<p>1 any prior episodes?</p> <p>2 A. Just -- I can't exactly remember how it all</p> <p>3 went down, sir; just knowing that I do recall a couple</p> <p>4 of times just maybe getting on him a little bit about,</p> <p>5 you know, getting chores done and doing stuff, and</p> <p>6 he'd be frustrated and would be -- I remember one time</p> <p>7 he said, Maybe I should just check out, or something</p> <p>8 like that. I can't really --</p> <p>9 <b>Q. Nothing more specific than that, just was it</b></p> <p>10 <b>kind of an inkling that you had?</b></p> <p>11 A. Well, he did state it, but it never took me</p> <p>12 to the point where I needed to sit him down and say,</p> <p>13 Son, do you really feel like doing this? It was</p> <p>14 just -- no, it didn't strike me like that.</p> <p>15 <b>Q. Had you had any prior experiences with</b></p> <p>16 <b>suicide in your lifetime? Not you specifically, but</b></p> <p>17 <b>people you know, friends, family?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. And tell me about that.</b></p> <p>20 A. I have an uncle that committed suicide back</p> <p>21 in 1964 on my mother's side, and then I had an aunt</p> <p>22 that committed suicide in, I could be off a year on</p> <p>23 this one, '95, '96.</p> <p>24 <b>Q. Mom's side or dad's side?</b></p> <p>25 A. Mom's side.</p>	112	<p>1 AFTERNOON SESSION</p> <p>2 12:30 p.m.</p> <p>3 ***</p> <p>4 (Ms. Pulver is not present.)</p> <p>5 BY MR. DAIGLE:</p> <p>6 <b>Q. And we were talking a little bit about the</b></p> <p>7 <b>September visit to RiverBend, and then did he go to</b></p> <p>8 <b>the Johnson Unit?</b></p> <p>9 A. Yes, sir.</p> <p>10 <b>Q. And how long did he stay there,</b></p> <p>11 <b>approximately?</b></p> <p>12 A. Approximately four days, I believe, sir.</p> <p>13 <b>Q. Okay. And while he was at the Johnson Unit,</b></p> <p>14 <b>did you visit there?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. All right. Did you talk to any of his</b></p> <p>17 <b>doctors about the plan, the plan once he was released?</b></p> <p>18 A. There wasn't really a plan.</p> <p>19 <b>Q. So what happened when he was released?</b></p> <p>20 A. He went back out on the streets.</p> <p>21 <b>Q. Did any of the doctors say anything about the</b></p> <p>22 <b>risk of suicide from the point he was released?</b></p> <p>23 A. No, sir; said he was good.</p> <p>24 <b>Q. And then to your knowledge, did he have any</b></p> <p>25 <b>treatment between September of 2012 and when he was</b></p>

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<p style="text-align: right;">113</p> <p>1 arrested sometime in early winter of 2012?</p> <p>2 A. No, sir.</p> <p>3 Q. Did he live with you during any periods of</p> <p>4 time during the September, October, November time</p> <p>5 frame?</p> <p>6 A. He would stop in -- no, not living.</p> <p>7 Q. So he would stop in for short visits and then</p> <p>8 leave again?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Didn't spend any nights there at your house?</p> <p>11 A. Occasionally, if we could get away with it.</p> <p>12 Q. So, when you say "get away with it," you mean</p> <p>13 if he was behaving appropriately for a period of time?</p> <p>14 A. No, if there was enough time for him to sleep</p> <p>15 and then leave when I left to go to work, to try to</p> <p>16 fit that in the schedule because he would -- we'd get</p> <p>17 in trouble.</p> <p>18 Q. From your managers?</p> <p>19 A. Correct.</p> <p>20 Q. Because he wasn't allowed to be there at that</p> <p>21 time --</p> <p>22 A. No.</p> <p>23 Q. -- is that correct?</p> <p>24 A. Just complaints.</p> <p>25 Q. You were concerned that you would get kicked</p>	<p style="text-align: right;">115</p> <p>1 where you were living. Correct?</p> <p>2 A. Correct.</p> <p>3 Q. And then did he spend any days with you in</p> <p>4 your separate apartment?</p> <p>5 A. Yes.</p> <p>6 Q. And that was less than five?</p> <p>7 A. Yes.</p> <p>8 Q. And then describe for me his condition after</p> <p>9 he was released from the Johnson Unit in September.</p> <p>10 A. He was doing -- he was behaving well. He was</p> <p>11 not interacting with the family at all, but there was</p> <p>12 no concerns with any of the medical people at the</p> <p>13 facility about him being a danger to anybody or</p> <p>14 himself; typical system.</p> <p>15 Q. So what did you observe after they released</p> <p>16 him?</p> <p>17 A. Well, they didn't -- we didn't even know he</p> <p>18 was being released until after the fact. Then he's</p> <p>19 out on the street.</p> <p>20 Q. So nobody called you to say that they were</p> <p>21 releasing him?</p> <p>22 A. No, sir.</p> <p>23 Q. And how long after he was released did you</p> <p>24 discover that he wasn't there anymore?</p> <p>25 A. It was -- it was that day, I believe. I</p>
<p style="text-align: right;">114</p> <p>1 out of your apartment if there was another complaint?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Is that --</p> <p>4 A. Yes, sir.</p> <p>5 Q. And I know you know where I'm going with my</p> <p>6 questions, and I think we're starting to talk over</p> <p>7 each other a little bit.</p> <p>8 So can you estimate for me approximately how</p> <p>9 many times he spent the night at your apartment</p> <p>10 between September and December of 2012?</p> <p>11 A. Perhaps a handful; five times.</p> <p>12 Q. And remind me. Was your mother living there</p> <p>13 in the apartment as well during that time period?</p> <p>14 A. She was -- she had her own apartment. I got</p> <p>15 my own apartment I believe December 7th of that year.</p> <p>16 Q. December 7th?</p> <p>17 A. Somewhere in there; that first week in</p> <p>18 December I got my own place at Parkside.</p> <p>19 Q. So it was really just kind of a short period</p> <p>20 of time before he was in jail for --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- later December?</p> <p>23 A. Yes, sir.</p> <p>24 Q. So, when you say about five times, some of</p> <p>25 those days would have been at your mother's place</p>	<p style="text-align: right;">116</p> <p>1 think my mom called and checked in.</p> <p>2 Q. And they told her --</p> <p>3 A. The day or the day after.</p> <p>4 Q. And they told her he'd been released?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Did you or your mother or Sandy call the</p> <p>7 hospital and ask why he had been released without</p> <p>8 notifying you?</p> <p>9 A. No, sir.</p> <p>10 Q. And I assume that they had consent from Casey</p> <p>11 to communicate his medical information to you. Is</p> <p>12 that your understanding?</p> <p>13 A. I'm unsure of that.</p> <p>14 Q. Unsure, okay. At least while he was in the</p> <p>15 Johnson Unit, they would communicate medical</p> <p>16 information about Casey to you?</p> <p>17 A. When we went there.</p> <p>18 Q. Okay. So presumably they had consent to talk</p> <p>19 to you about this stuff. Right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And since he was released, did you ever go</p> <p>22 back to them and ask them why they had released him?</p> <p>23 A. No, sir.</p> <p>24 Q. Okay. And I'm gathering from what you've</p> <p>25 said that you think that that was the wrong decision</p>

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133	<p>1 Q. Never would? Never would admit?</p> <p>2 A. Admit, yes.</p> <p>3 (Deposition Exhibit No. 505 was marked for</p> <p>4 identification.)</p> <p>5 Q. So let me direct your attention to the lower</p> <p>6 half of this document. It's Kelly Green, or K.GREEN</p> <p>7 2770. This is Western State Hospital progress record.</p> <p>8 There in kind of the middle of that last paragraph</p> <p>9 where it says, MSW received a call from Kelly's</p> <p>10 father, will you read from there to the end of the</p> <p>11 paragraph? You're welcome to read the whole thing.</p> <p>12 That's the only part --</p> <p>13 A. That's on the last half of the page, sir?</p> <p>14 Q. Yes, right here.</p> <p>15 MR. ROSENTHAL: This stuff here.</p> <p>16 THE WITNESS: Oh, okay. Okay.</p> <p>17 Q. (By Mr. Daigle) So the sentence that says, He</p> <p>18 has told Kelly, and I believe they're referring to</p> <p>19 you, that he cannot discharge to family, but he thinks</p> <p>20 staff has been telling him that he can.</p> <p>21 Do you remember this phone call with the</p> <p>22 social worker at Western State Hospital?</p> <p>23 A. I do.</p> <p>24 Q. Okay. Is that factual, that you told the</p> <p>25 social worker that Kelly could not discharge to</p>	135	<p>1 A. No. He told the person in charge of that</p> <p>2 particular facility that there were too many rules.</p> <p>3 Q. So he just left?</p> <p>4 A. Yes, sir.</p> <p>5 (Deposition Exhibit No. 506 was marked for</p> <p>6 identification.)</p> <p>7 (A discussion was held off the record.)</p> <p>8 Q. (By Mr. Daigle) This is K.GREEN SSA 713. Why</p> <p>9 don't you read through the paragraph 1 there at the</p> <p>10 top of the page.</p> <p>11 A. Okay. Okay.</p> <p>12 Q. Earlier this morning, we talked about kind of</p> <p>13 the first, you know, realization that there were some</p> <p>14 problems was the barbecue in 2004, so my question is</p> <p>15 whether or not you were aware of the issues that are</p> <p>16 discussed here in section 1 of the August 15, 2003,</p> <p>17 Behavioral Health Evaluation.</p> <p>18 A. I was not involved in any of that. I</p> <p>19 remember talking about it with Sandra.</p> <p>20 Q. Okay. So had she related most of this stuff</p> <p>21 to you prior to this evaluation?</p> <p>22 A. Yes.</p> <p>23 Q. And remind me your marriage situation at the</p> <p>24 time. The two of you were divorced but back living</p> <p>25 together?</p>
134	<p>1 family?</p> <p>2 A. Yes, at that point in time.</p> <p>3 Q. Okay.</p> <p>4 A. In agreeance with me and Sandra.</p> <p>5 Q. I'm sorry?</p> <p>6 A. In agreeance with me and Sandra.</p> <p>7 Q. So you both agreed that it wasn't appropriate</p> <p>8 for him to discharge to either you or Sandra?</p> <p>9 A. That day.</p> <p>10 Q. That day. Did it change the next day or --</p> <p>11 A. Things changed all the time, sir.</p> <p>12 Q. Okay.</p> <p>13 A. Crazy way to live.</p> <p>14 Q. So this was in April, and he didn't come down</p> <p>15 to Eugene until August 7; is that correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. So, when he was eventually discharged from</p> <p>18 Western State Hospital, was he discharged to either</p> <p>19 you or to Sandy?</p> <p>20 A. I believe that he was discharged to a halfway</p> <p>21 house that he was supposed to report to.</p> <p>22 Q. Okay. And did he not end up reporting to</p> <p>23 that halfway house or group home?</p> <p>24 A. He did.</p> <p>25 Q. He did, but didn't stay there; is that --</p>	136	<p>1 A. Yes.</p> <p>2 Q. Okay. So you were in the same household --</p> <p>3 A. Correct.</p> <p>4 Q. -- Casey was living there, and the other two</p> <p>5 kids were there?</p> <p>6 A. Correct.</p> <p>7 Q. And had Casey ever expressed to you some of</p> <p>8 his fears about being called gay behind his back at</p> <p>9 Willamette High School?</p> <p>10 A. It's the first I've ever heard of it.</p> <p>11 Q. Sandy hadn't related that to you?</p> <p>12 A. No, sir.</p> <p>13 Q. Are you aware that he had dropped out of</p> <p>14 Willamette High School?</p> <p>15 A. I remember that, but gay and all this other</p> <p>16 stuff, I...</p> <p>17 Q. This is the first time you've heard of that?</p> <p>18 A. Yes, sir.</p> <p>19 Q. There in the middle of the paragraph, it</p> <p>20 says, Mother states Kelly's father smoked marijuana</p> <p>21 and used other drugs with Kelly and his 17-year-old</p> <p>22 brother.</p> <p>23 A. Yes, sir.</p> <p>24 Q. Is that a factual statement?</p> <p>25 A. Yes, sir.</p>

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137	<p>1 Q. So, earlier when we talked about when you and</p> <p>2 Kelly had shared marijuana, it was 2010.</p> <p>3 A. Uh-huh.</p> <p>4 Q. So now we know that it occurred sometime</p> <p>5 before August of 2003 as well.</p> <p>6 A. Yes, sir.</p> <p>7 Q. Were there other periods of time where you</p> <p>8 and Kelly used marijuana or other drugs?</p> <p>9 A. No, sir.</p> <p>10 Q. So how long of a time period was it back in</p> <p>11 2003 or earlier that you and Casey were using</p> <p>12 marijuana or other drugs?</p> <p>13 A. Well, when I caught him and his brother</p> <p>14 smoking.</p> <p>15 Q. You caught them or --</p> <p>16 A. Yes.</p> <p>17 Q. Did you then start smoking with them?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And it says "other drugs." Were there</p> <p>20 other drugs that were being used?</p> <p>21 A. Alcohol.</p> <p>22 Q. There's some instances in the record where</p> <p>23 Casey is either reported to or alleged to have used</p> <p>24 cocaine and methamphetamine.</p> <p>25 A. No, sir.</p>	139	<p>1 that's what he would resort to; so unsure of how it</p> <p>2 all played out all the time.</p> <p>3 Q. And then refresh my memory. What was the</p> <p>4 living situation with the family during that time</p> <p>5 period?</p> <p>6 A. In 2005 I was at -- I had my apartment at the</p> <p>7 Village Apartments and Thomas and Casey were staying</p> <p>8 at my house and living with me.</p> <p>9 Q. Okay. And then McKenzie and Sandy were in</p> <p>10 Washington?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Had you heard of Casey using methamphetamine</p> <p>13 at any time after 2005?</p> <p>14 A. Not that I can recall, sir.</p> <p>15 Q. Okay. Are you aware of any family members</p> <p>16 using or having been alleged to have used</p> <p>17 methamphetamine with Casey?</p> <p>18 A. Family members?</p> <p>19 Q. Family members.</p> <p>20 A. I think he and his brother has.</p> <p>21 Q. And how about other drugs, like cocaine?</p> <p>22 A. Not that I know of.</p> <p>23 Q. To your knowledge, had he ever used heroin?</p> <p>24 A. No, sir.</p> <p>25 Q. And so was Tom -- was it two or three years</p>
138	<p>1 Q. Were you aware of that?</p> <p>2 A. No, sir.</p> <p>3 Q. It's in the medical record. My question is</p> <p>4 whether or not you were aware of or heard that he had</p> <p>5 ever used methamphetamine.</p> <p>6 A. Yes, sir.</p> <p>7 Q. And during what time period?</p> <p>8 A. When he was using?</p> <p>9 Q. Let me back up --</p> <p>10 A. Yes, sir.</p> <p>11 Q. -- just so we're understanding each other.</p> <p>12 I'm not suggesting that you used methamphetamine with</p> <p>13 Casey. I'm just saying that the medical records say</p> <p>14 that Casey had used methamphetamine. The question is</p> <p>15 whether or not you were aware of that and during what</p> <p>16 time periods you had heard that he was using</p> <p>17 methamphetamine.</p> <p>18 A. Yes, I did hear that.</p> <p>19 Q. Okay. And during what time period?</p> <p>20 A. That was around 2005.</p> <p>21 Q. Okay. And did he continue to use</p> <p>22 methamphetamine after that time period, or had you</p> <p>23 heard that he was using it after that time period?</p> <p>24 A. When he would -- when he would be out looking</p> <p>25 to find his high, if he couldn't find certain stuff,</p>	140	<p>1 behind Casey in high school?</p> <p>2 A. They're 14 months apart.</p> <p>3 Q. Fourteen months?</p> <p>4 A. Same grade.</p> <p>5 Q. They were in the same grade?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Was Casey held back?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And what grade was he held back?</p> <p>10 A. Second grade.</p> <p>11 Q. Okay. And what was the reason for holding</p> <p>12 him back?</p> <p>13 A. Just -- he just wasn't up to everybody else's</p> <p>14 level at his age.</p> <p>15 Q. Okay. Was that a recommendation from his</p> <p>16 teachers at school?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Did he ever have an individualized teaching</p> <p>19 plan or lesson plan?</p> <p>20 A. We did have him in -- gosh, what's that?</p> <p>21 There's another name for it, sir. I want to say</p> <p>22 special ed. I hate that name, but it was something</p> <p>23 like that. He was involved.</p> <p>24 Q. Was that grade school --</p> <p>25 A. Yes, sir.</p>

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<p style="text-align: right;">141</p> <p>1 Q. -- or high school?</p> <p>2 Grade school?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And did Tom and Casey go to grade school and</p> <p>5 high school together starting in second grade?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And then I see that Tom dropped out of high</p> <p>8 school at some point in time. Do you remember what</p> <p>9 grade that was?</p> <p>10 A. I do not.</p> <p>11 Q. Did he ever finish high school?</p> <p>12 A. He did.</p> <p>13 Q. And did Casey ultimately finish high school?</p> <p>14 A. Yes.</p> <p>15 Q. Did he get his diploma from Willamette?</p> <p>16 A. Sandra said that he did.</p> <p>17 (Deposition Exhibit No. 507 was marked for</p> <p>18 identification.)</p> <p>19 Q. We're looking at Exhibit 507.</p> <p>20 MR. DAIGLE: Sorry. I have another copy for</p> <p>21 you, Elden.</p> <p>22 Q. (By Mr. Daigle) These are K.GREEN texts, page</p> <p>23 1 through 14. Is the 971-533-9278 phone number, whose</p> <p>24 is that?</p> <p>25 A. Mine, sir.</p>	<p style="text-align: right;">143</p> <p>1 it been deleted?</p> <p>2 A. I still have those conversations on my phone.</p> <p>3 Q. So, when you look at your phone, are you able</p> <p>4 to identify the specific dates --</p> <p>5 A. Yes, sir.</p> <p>6 Q. -- that they were sent and received?</p> <p>7 A. Uh-huh.</p> <p>8 Q. And we're not going to go through that</p> <p>9 exercise today. I'd just ask you to give</p> <p>10 Mr. Rosenthal the information so that we can have the</p> <p>11 dates rather than all being May 6, 2014.</p> <p>12 MR. ROSENTHAL: How about I give you a copy</p> <p>13 of this and you sit down and put down the dates and</p> <p>14 then send it back to me?</p> <p>15 THE WITNESS: Agreed.</p> <p>16 MR. ROSENTHAL: Okay.</p> <p>17 MR. DAIGLE: Okay.</p> <p>18 Q. (By Mr. Daigle) And then, you know, it would</p> <p>19 also be helpful to identify which ones are sent and</p> <p>20 which ones are received so you can do like an S and an</p> <p>21 R.</p> <p>22 A. Understood, sir.</p> <p>23 Q. Okay. Thank you. So let's move to February</p> <p>24 of 2013, and if you want to take a break at all, let</p> <p>25 me know.</p>
<p style="text-align: right;">142</p> <p>1 Q. Your number. And these are text messages</p> <p>2 that have been retrieved from your phone?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And are these text messages with the phone</p> <p>5 that was in Casey's room?</p> <p>6 A. It was my telephone.</p> <p>7 Q. I know it's all off of your telephone, but</p> <p>8 text messages usually there's a sender and receiver.</p> <p>9 A. Yes, sir.</p> <p>10 Q. And I assume this has both the message you</p> <p>11 sent and the ones that you received.</p> <p>12 A. Yes, sir.</p> <p>13 Q. So I'm just curious about the ones you</p> <p>14 received. Did they come from a phone or a tablet or</p> <p>15 something like that in Casey's room?</p> <p>16 A. To the best of my ability, it was a phone.</p> <p>17 Q. Okay. And the thing I'm having a problem</p> <p>18 with is these are all dated May 6th, 2014, which I</p> <p>19 assume is probably the date that they were printed.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Not the date that they were sent and</p> <p>22 received, obviously.</p> <p>23 A. Correct.</p> <p>24 Q. Do you know if -- let me ask you this. Do</p> <p>25 you still have that conversation on your phone or has</p>	<p style="text-align: right;">144</p> <p>1 A. I'm okay.</p> <p>2 Q. Okay. So tell me, what was your first</p> <p>3 knowledge that, you know, Casey had been in jail in</p> <p>4 February 2013?</p> <p>5 A. My knowledge of it?</p> <p>6 Q. Yes.</p> <p>7 A. I did not know he was in jail in February</p> <p>8 2013 until I got the call from the deputy.</p> <p>9 Q. Okay. So was the deputy calling from the</p> <p>10 hospital?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And so then you arrived at the hospital in</p> <p>13 response to that call. Right?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Did you come with anybody else?</p> <p>16 A. My mother.</p> <p>17 Q. Do you remember about what time you arrived</p> <p>18 at the hospital?</p> <p>19 A. It was -- it was sometime in the dinner</p> <p>20 hours.</p> <p>21 Q. So which means what, six, seven?</p> <p>22 A. Sometime after six, I believe. Exact time I</p> <p>23 can't remember.</p> <p>24 Q. And who was the first person you saw when you</p> <p>25 got there?</p>

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<p style="text-align: right;">145</p> <p>1 A. It was the deputy.</p> <p>2 Q. And do you remember your conversation with</p> <p>3 the deputy?</p> <p>4 A. Yes, I do.</p> <p>5 Q. And then if you don't remember the exact</p> <p>6 words, just tell us the substance of the conversation</p> <p>7 and how it went.</p> <p>8 A. Just basically said that my son was admitted</p> <p>9 into ICU with severe injuries and to follow him.</p> <p>10 Q. Okay. And did he give you any paperwork that</p> <p>11 you recall?</p> <p>12 A. He did when we got -- uh-huh.</p> <p>13 Q. Was that during that first visit with him?</p> <p>14 A. No.</p> <p>15 Q. Was that later in the evening?</p> <p>16 A. When we went to the room with the rest of the</p> <p>17 people.</p> <p>18 Q. So the deputy went to the room with you?</p> <p>19 A. (Witness nodding head.)</p> <p>20 Q. So, when you said follow him, he was talking</p> <p>21 about, Follow me, I'm going to take you to where he's</p> <p>22 at?</p> <p>23 A. Back to a room where the chaplain and the</p> <p>24 neurosurgeon was.</p> <p>25 Q. And was Casey in the room or was this a</p>	<p style="text-align: right;">147</p> <p>1 Q. Did the deputy say anything to you about what</p> <p>2 had happened at the jail?</p> <p>3 A. He did not know what happened. He clearly</p> <p>4 stated, Your case is with the Lane County Sheriff's</p> <p>5 Department.</p> <p>6 Q. What do you mean, "your case"?</p> <p>7 A. That's what he said, sir.</p> <p>8 Q. Okay. And what did you understand him to</p> <p>9 mean?</p> <p>10 A. Just basically check in. I'm trying to put</p> <p>11 all of this together at the time. We did not know</p> <p>12 that he was arrested, we did not know anything until</p> <p>13 we got to the hospital.</p> <p>14 Q. Okay.</p> <p>15 A. Me and Mother did say that something bad</p> <p>16 happened. We figured that if we were going to the</p> <p>17 hospital. We didn't know what.</p> <p>18 Q. So, when he's saying "case," is he referring</p> <p>19 to your son's criminal charges or did you know what he</p> <p>20 was referring to?</p> <p>21 A. I have no idea what he meant by that, sir.</p> <p>22 Q. Okay. And --</p> <p>23 A. After the fact, I did.</p> <p>24 Q. Which is what?</p> <p>25 A. The negligence.</p>
<p style="text-align: right;">146</p> <p>1 separate meeting room?</p> <p>2 A. Separate room.</p> <p>3 Q. Okay. And so it's you, the deputy, the</p> <p>4 chaplain, and the surgeon?</p> <p>5 A. And Mom.</p> <p>6 Q. And your mother?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Anybody else in the room?</p> <p>9 A. No, sir.</p> <p>10 Q. Tell me about the substance of that</p> <p>11 conversation.</p> <p>12 A. The doctor interjected, introduced herself at</p> <p>13 that point and said that Casey was in a really bad</p> <p>14 accident, and she put x-rays up and we could quickly</p> <p>15 see what happened.</p> <p>16 Q. Okay.</p> <p>17 A. And then she said that he had a neck</p> <p>18 fracture. It was broke in four places.</p> <p>19 Q. In four places?</p> <p>20 A. Uh-huh. And then the chaplain wanted to pray</p> <p>21 and then had to -- I had to sign a form with the</p> <p>22 deputy.</p> <p>23 Q. Okay. And was that the release of custody to</p> <p>24 you?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">148</p> <p>1 Q. You believed he meant that there was a</p> <p>2 negligence case against the Lane County Sheriff's</p> <p>3 Office, and that's what he was referring to?</p> <p>4 A. After the fact that's what I like to believe.</p> <p>5 Q. So you're trying to put two and two together,</p> <p>6 essentially --</p> <p>7 A. Yes, sir.</p> <p>8 Q. -- and that's your belief as to what he</p> <p>9 meant?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. Do you remember any other substantive</p> <p>12 information that this deputy gave to you while you</p> <p>13 were there at the hospital?</p> <p>14 A. No. He was a nice young man.</p> <p>15 Q. And then there was a conversation, I take it,</p> <p>16 with the surgeon?</p> <p>17 A. Said that he was -- that they were preparing</p> <p>18 him for surgery and that we could go back and talk to</p> <p>19 him for a minute.</p> <p>20 Q. Did you go back and talk to Casey before</p> <p>21 surgery?</p> <p>22 A. Uh-huh.</p> <p>23 Q. And can you tell me what was said between the</p> <p>24 two of you and -- did your mother go back as well?</p> <p>25 A. Yes.</p>

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